

YANG Guangming

Senior Partner

办公机构 Shenzhen

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工作语言 Shenzhen

业务领域

Social Activities

- Member, 8th People's Congress of Nanshan District, Shenzhen
- Member, Legal System and Internal & Judicial Affairs Committee, Standing Committee of the Nanshan District People's Congress
- Chair, Banking Law Professional Committee, Shenzhen Lawyers Association
- Member, Committee on Political Participation & Promotion of the Legal Professional Community, Shenzhen Lawyers Association
- Member, Arbitration Law Professional Committee, Guangdong Provincial Lawyers Association
- Arbitrator, Shenzhen Court of International Arbitration

- Member, China Law Society

- Member, Society and Law Committee, 7th Shenzhen Committee of the Revolutionary Committee of the Chinese Kuomintang

- Member, Enterprise Recruitment Committee, Shenzhen Association of Bankruptcy Administrators

- Executive Dean, DHH Greater Bay Area Law Application Research Institute

- Dean, DHH Research Institute Greater Bay Area Branch

Professional Experience

- Professional Creed – Focus on litigation, strive to be the best courtroom advocate!

- With over a decade of legal practice, Attorney Yang Guangming has focused on high-stakes and complex commercial dispute litigation and arbitration, primarily representing corporate clients. He excels in courtroom advocacy and procedural management, boasting extensive case-handling experience. Guided by his creed of "Focus on litigation, strive to be the best courtroom advocate," he has developed profound expertise and accumulated significant experience through years of dedicated practice in numerous areas. These include financial disputes (involving trusts, asset management, and wealth management), disputes over contract invalidation and termination, cooperative development of collective land, sales contract and product quality disputes, corporate equity matters, letters of credit and guarantees, asset preservation and enforcement, and retrial of civil and commercial cases.

- Partial Client List: BYD, Bank of China, China Merchants Bank, China Bohai Bank, Ping An Bank, Ping An Property & Casualty Insurance, Hisense Group, Haier Group, Shudao Logistics, GrenTech, Tyky Technology, Galaxy Treasure Financial Group, Gien Tech, Shenzhen Chuangzhicheng Technology, Shanghai Bocimed Pharmaceutical Research, Shentong, New Nanshan Holding, Cernet Corporation, Shenzhen Supply Chain Finance Association, Dangdang, Shenzhen Internet Finance Association, Jiannanchun, Shenzhen Coship Electronics, China North Optical-Electrical Technology, among others.

Representative Cases

- Represented a listed company in an earnout dispute involving over RMB 700 million. Secured a freeze on the counterparty's listed shares within 36 hours of instruction; ultimately obtained a full victory in court with all claims upheld. (Victory)

- Represented a subsidiary of a listed company in suing another listed company, seeking contract invalidation concerning a major investment and M&A project valued over RMB 100 million. Successfully secured a settlement requiring the counterparty to pay compensation and terminate the contract, achieving the client's objectives. (Favorable Settlement)

- Represented a branch of Bank of China in a performance guarantee disputeinvolving approximately USD 14 million. Amid a sharp decline in the counterparty's creditworthiness, effected an out-of-town asset freeze within 3 business days of case filing. This rapid action created strong leverage for negotiations, leading to a favorable settlement. (Favorable Settlement)

- Represented the solar and automotive divisions of a renowned Fortune Global 500 company in multiple contract disputes totaling over RMB 500 million. The majority of cases have concluded with favorable judgments or settlements, and repayments are ongoing. (Victory)

- Represented a domestic guarantor in a cross-border guarantee dispute related to "domestic guarantee for offshore loan" facilities for a Hong Kong securities firm, involving nearly HKD 200 million.

- Represented Shenzhen Branch of China Bohai Bank in a series of financial loan contract disputes, securing favorable judgments in some cases with successful debt recovery.

- Represented Shenzhen Branch and its sub-branches of China Merchants Bank in multiple financial loan disputes, securing favorable judgments in all cases with successful recovery in most.

- Represented Luohu Sub-branch of China Merchants Bank in an enforcement caseagainst Zhongqiao Industrial and Zhongqiao Development. The case involved numerous third-party objections, with subsequent litigation appealing to the Supreme People's Court. Through multi-faceted coordination and strategic legal application, successfully protected the client's interests.

• Represented a supply chain subsidiary of Cernet in a sales contract dispute with a Cross-border E-commerce subsidiary. Despite initially unfavorable evidence, successfully demonstrated the transaction was a disguised financing arrangement ("sales in form, lending in substance"), securing a favorable judgment. (Victory)

• Represented a supply chain finance subsidiary of Hisense Group in a pledge agreement dispute with a Ningbo international trade company, involving USD 14 million. Effected an out-of-town equity freeze within one week of instruction, prompting the counterparty to settle and provide additional guarantees, thus protecting the client's rights. (Favorable Settlement)

• Served as standing legal counsel for a wholly-owned supply chain finance subsidiary of a provincial state-owned enterprise, responsible for contract review, template development, legal advisory for supply chain transactions, and risk remediation, assisting in building a comprehensive risk control system.

• Represented Yang Moumou in a dispute over equity and land development rights in a project company against a Shenzhen urban renewal group and its affiliates, involving over RMB 300 million. (Victory)

• Represented Yang Moumou in an equity transfer dispute with Deng Moumou and Luo Mou, involving nearly RMB 30 million. The counterparty's claims were dismissed in both first and second instance, resulting in a favorable outcome for the client.

• Represented a Shenzhen cultural industry investment company in a cooperation contract dispute with Jin Moumou and a Shenzhen industrial company concerning the redevelopment of a serviced apartment project, involving over RMB 50 million. After engagement, the team swiftly identified and froze the debtor's assets, leading to full recovery of principal and interest. (Victory)

• Represented Shenzhen Qianhai Fuying Financial Services Co., Ltd. in litigation concerning its online lending facilitation business. The case involved novel legal issues regarding the application of law to online lending platforms and their business models within the fintech context. Based on a thorough understanding of the business model and case facts, and through legal analysis and application, we creatively developed a litigation strategy that was recognized by both the court and the client. (Victory)

- Provided annual legal advisory services to the Shenzhen Internet Finance Association, participating in guiding and supervising the orderly exit of multiple Shenzhen-based online lending information intermediary platforms, and contributing to the compilation of a book on the special rectification of the internet finance industry.

- Represented Zhang Moumou in an agency contract dispute against Huang Moumou. The case proceeded through first instance, second instance, and a retrial, followed by an application to the Guangdong Provincial High People's Court for a retrial, which instructed the Shenzhen Intermediate People's Court to rehear the case. After multiple levels of courts and several trials, we successfully secured a final judgment that fully upheld our client's claims. (Victory)

- Represented Zhang Moumou in an enforcement objection lawsuit involving Nanyang Bank (China) Co., Ltd. Shenzhen Branch and others. The first-instance judgment fully supported our client's claims to exclude the property from execution and confirm ownership. Although the second instance dismissed the appeal, we applied to the Guangdong Provincial High People's Court for a retrial, which accepted the case. After three levels of courts and three trials, we successfully obtained a court ruling supporting our client's claim to exclude the property from execution, thereby protecting the client's legitimate rights and interests. (Victory)

- Represented a Shenzhen joint-stock cooperative company in a dispute with a development partner, seeking confirmation of the termination of a collective land cooperative development contract, involving a land area of over 70,000 square meters. Successfully obtained a judgment for the village joint-stock company that met its expectations. (Victory)

- Represented a Shenzhen technology joint-stock company in claims against both a manufacturer (a foreign-invested enterprise) and a distributor, based on product manufacturer liability. Successfully applied for judicial appraisal, which confirmed defects in the opposing party's product, leading the defendant to proactively seek a settlement with our client. (Victory)

Publications

- Research on Compliance Key Points of Bank Wealth Management Subsidiaries

- Research on Liability Undertaking of Bank Agency Wealth Management Products

- Influence and Response of the "Super Priority" in the Civil Code on Financial Institutions
- Inventory Pledge Financing and Accounts Receivable Pledge Financing under the Judicial Interpretation of the New Guaranty System
- Impact of the New Asset Management Regulations on Bank Wealth Management Business
- Understanding and Application Research on the Transfer Rules of Collateral under the Civil Code
- Legal Risk Analysis of Differential Supplement in Trust Business
- Liability Undertaking of Commercial Bank Entrusted Wealth Management Business
- Research on Legal Relations and Dispute Resolution Ideas in Financial Factoring Business
- Guidelines for Enforcement of Mature Creditors' Rights by Debtors Subject to Enforcement
- Legal Risk Prevention and Control of Fictitious Factoring Transactions in Supply Chain Finance
- Five Major Impacts of the Supreme People's Court Meeting Minutes on Supply Chain Finance
- Research and Response on the Seller's Defense Based on the Underlying Contract Relationship in Bond Repurchase Disputes
- Judicial Practice of Off-Exchange Capital Allocation Contract Disputes after the "Nine Minutes"
- Research on Legal Issues of Performance Compensation Clauses in Listed Company Mergers and Acquisitions—Taking the Acceleration of Accounts Receivable Compensation Conditions as an Example
- Analysis on the Legal Effect of "Gambling Agreement"

- Research on Whether Shareholders' Breach of Unanimous Action Agreement Can Compel Share Repurchase
- Practice and Research on Company Dissolution Litigation
- How Enterprises Get Out of Dilemma by Using Pre-reorganization
- Legal Analysis on Prevention and Remedy of Domestic Letter of Credit Fraud Risk
- Five Major Situations of Bank Refusal in Letter of Credit Disputes
- How to Successfully Apply for Letter of Credit Stop Payment Order
- Identification and Remedy of Independent Guarantee Fraud
- Identification and Prevention of Letter of Credit Soft Clauses

Honors

- Second Prize of Excellent Paper at the 6th DHH Lawyers' Practical Academic Annual Conference—"Research on the Effectiveness of Defenses of Agreements on Satisfaction of Debts with Property in the Era of the Civil Code—From the Perspective of Enforcement Objection and Bankruptcy Procedure"
- Second Prize of Excellent Paper at the 6th DHH Lawyers' Practical Academic Annual Conference—"Research on Difficult Enforcement Issues When Real Estate Mortgage and Lease Coexist"
- Second Prize of Excellent Paper at the 6th DHH Lawyers' Practical Academic Annual Conference—"Research on Competition Law Issues in Keyword Price Ranking"
- Third Prize of Excellent Paper at the 6th DHH Lawyers' Practical Academic Annual Conference—"Rules for Handling Conflicts between Mortgage and Joint Ownership of Houses"

• Third Prize of Excellent Paper at the 6th DHH Lawyers' Practical Academic Annual Conference—"Research on Disputes over Repurchase of Gambling Agreement Equity and Performance Compensation Clauses"

• Third Prize of Excellent Paper at the 6th DHH Lawyers' Practical Academic Annual Conference—"Research on the Dilemma and Improvement Path of Enforcing and Adding Former Shareholders Who Have Transferred Unvested Equity"

• Third Prize of Excellent Paper at the 6th DHH Lawyers' Practical Academic Annual Conference—"Exploration of the Dilemma and Path of AIGC Infringement Determination"

• First Prize of Excellent Paper at the 3rd Academic Annual Conference of Beijing DHH Law Firm—"Reinterpretation of the Lack of Agreement in Joint Development Contracts Due to the Loss of Qualifications for Real Estate Development and Operation"

• First Prize of Excellent Paper at the 3rd Academic Annual Conference of Beijing DHH Law Firm—"How Investors of Contract-type Private Equity Funds Assert Rights to Underlying Project Funders"

• Second Prize of Excellent Paper at the 3rd Academic Annual Conference of Beijing DHH Law Firm—"Whether the Trustee of Trust Business Should Bear Tort Liability—Thinking and Observation Based on Judicial Practice"

• First Prize of Excellent Paper at the 2nd Academic Annual Conference of Beijing DHH Law Firm—"Research on the Super Priority Status of Price Mortgage Rights in the Civil Code"

• First Prize of Excellent Paper at the 2nd Academic Annual Conference of Beijing DHH Law Firm—"Research on the Legislative Status and Necessary Restrictions of the Contracting Party's Right to Rescind the Contract"

• Second Prize of Excellent Paper at the 2nd Academic Annual Conference of Beijing DHH Law Firm—"Research on Acts Contrary to the Name and Law"

• Third Prize of Excellent Paper at the 1st Academic Annual Conference of Beijing DHH Law Firm—"Liability Undertaking of Commercial Bank Entrusted Wealth Management Business"

- Third Prize of Excellent Paper at the 1st Academic Annual Conference of Beijing DHH Law Firm—"Legal Relations and Dispute Resolution in Financial Factoring Business"

- 2024 Annual Excellent Executive Director

- DHH Best Executive Director

- Annual Excellent Litigation Lawyer of Beijing DHH (Shenzhen) Law Firm

- Excellent Lecturer of DHH Commercial Dispute Resolution Business Center

- Advanced Individual in Democratic Consultation and Political Advice of Shenzhen Municipal Committee of the Chinese People's Political Consultative Conference in 2021

- Advanced Individual in Democratic Consultation and Political Advice of Shenzhen Municipal Committee of the Chinese People's Political Consultative Conference in 2021

- Advanced Individual of the Social and Legal Committee of Shenzhen Municipal Committee of the Chinese People's Political Consultative Conference in 2022

- Advanced Individual in Grassroots Work of Shenzhen Municipal Committee of the Chinese People's Political Consultative Conference in 2024

- Third Prize for Democratic Consultation and Political Advice Work of Shenzhen Municipal Committee of the Chinese People's Political Consultative Conference in 2024

- Excellent Paper for the 35th Anniversary of Shenzhen Lawyers Association

- The represented private equity investment fund case was awarded the 2024 DHH Shenzhen Annual Classic Litigation Case

- The represented Photovoltaic Dispute Case Accepted by Beijing Arbitration Commission was awarded the 2024 DHH Annual Excellent Case